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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,786	11/26/2003	Byron M. Ruch	4388-A1	9056

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EXAMINER

ADAMS, GREGORY W

ART UNIT PAPER NUMBER

3652

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/723,786	RUCH, BYRON M.	
	Examiner	Art Unit	
	Gregory W. Adams	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/24/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

General Comments

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kajita (US 4,273,217).

With respect to claim 1, Kajita discloses a vehicle loader mechanism comprising a base (indicated generally as 82), drive linkage 85 coupled between a base (indicated generally as 82) and a lift mechanism (indicated generally as 13), leveling linkage 79 coupled between a base (indicated generally as 82) and lift mechanism (indicated generally as 13), cylinder 91 coupled to a drive linkage 85.

With respect to claim 2, Kajita discloses a drive linkage includes a drive link 85 pivotally coupled to a base (indicated generally as 82) and a drive arm 97 pivotally coupled to a drive link 85 and lift mechanism (indicated generally as 13).

With respect to claim 3, Kajita discloses a vehicle loader mechanism further including a vehicle loader mechanism frame (indicated generally as 82) pivotally

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coupled to a base (indicated generally as 82) and a rod 83 journaled concurrently through a drive arm 97 and frame (indicated generally as 82).

With respect to claim 4, Kajita discloses a leveling linkage that includes a leveling link 79 pivotally coupled to a base (indicated generally as 82), stop link 82 pivotally coupled to a leveling link 79 and rod 83, and a leveling arm 78 pivotally coupled to a stop link 82 and lift mechanism (indicated generally as 13).

With respect to claim 5, Kajita discloses a vehicle loader mechanism further including a second drive linkage 85 coupled with a base (indicated generally as 82) and lift mechanism (indicated generally as 13) and a second leveling linkage 79 coupled with a base indicated generally as 82 and lift mechanism (indicated generally as 13).

With respect to claim 6, Kajita discloses a vehicle loader mechanism further including a frame indicated generally as 82 pivotally coupled to a base indicated generally as 82 and terminating in a journaled rod 83 which extends through a frame (indicated generally as 82) and drive linkage frame (indicated generally as 82) and drive linkage drive arm 97 and second drive linkage frame (indicated generally as 82) and second drive linkage drive arm 97 and coupled by a frame (indicated generally as 82) to a drive linkage 85.

With respect to claim 7, Kajita discloses a leveling linkage 79 coupled to a rod 83 by a stop link 82 and a second leveling linkage 79 coupled to a rod 83 by a second stop link 82.

With respect to claim 8, Kajita discloses a lift mechanism (indicated generally as 13) enabled with a drive linkage 85 and a lift mechanism (indicated generally as 13) disabled with a drive linkage 85.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kajita (US 4,273,217) in view of Olson (US 4,274,794) (previously cited). Kajita discloses a vehicle loader mechanism except for limit switches. Olson '794 discloses a vehicle loader mechanism 10 with limit switches 174, 196 mounted proximate cylinders 66, 108. Olson '794 teaches that limit switches limit maximum frame 16 movement in both directions. Col. 11, Ins. 52-59. Therefore, it would have been obvious to one skilled in the art to modify the vehicle loader mechanism of Kajita to add limit switches proximate cylinders, as per the teachings of Olson, to limit maximum frame movement in both directions.

4. Claims 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kajita (US 4,273,217) in view of Poindexter (US 5,651,657) (previously cited). Kajita discloses a vehicle loader mechanism except for carrying a base on tracks mountable in a vehicle. Poindexter discloses a vehicle loader mechanism 10 including a base 120 carried by tracks 33, 34 mountable in a vehicle. Poindexter '657 teaches that installing a base of a vehicle loader mechanism on tracks mountable in a vehicle with insignificant

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modifications to the vehicle provides lifting, reorientating, and loading of overheight loads into the vehicle. Therefore, it would have been obvious to one skilled in the art to modify the vehicle loader mechanism of Kajita to allow for carrying a base on tracks which are mountable in a vehicle, as per the teaching of Poindexter, such that insignificant vehicle modifications are required in providing a lifting, reorientating, and loading of overheight loads into the vehicle.

5. Claims 11-13 & 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uhrich et al. (US 3,703,968).

Uhrich does not disclose a vehicle loader mechanism. Uhrich discloses an apparatus which could be used to load a vehicle comprising a base 16, 17, lift mechanism 28 first and second drive linkages 27 coupled between a base 16, 17 and lift mechanism 28, first and second leveling linkages 18, 26 coupled between a base 16, 17 and lift mechanism 28, frame 34 pivotally coupled to a base 16, 17 and terminating in a journalled rod 35 which extends through a frame 34 and first and second drive arms 27, 27d and a cylinder 37 coupled between a base 16, 17 and frame 34. Uhrich further discloses first and second leveling linkages 18, 26 coupled to a rod 35 by a first and second stop links 23, lift mechanism 28 enabled with a first drive linkage 27 and second drive linkage 27 retracted and extended and disabled with a first drive linkage 27 and second drive linkage 27 in between extended and retracted configurations.

Similar to placing objects on a vehicle, Uhrich discloses a mechanical manipulator mountable on ocean going vehicles such that in hostile environments such as deep ocean or outer space an implement, e.g. load, can be more precisely

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placed/located. C2/L35-40; C2/L5-10. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Uhrich's apparatus for use as a vehicle loader mechanism because Uhrich's apparatus will function in a like manner.

6. Claim 14 & 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uhrich et al. (US 3,703,968) in view of Olson (US 4,274,794). Uhrich discloses a vehicle loader mechanism except for limit switches. Olson '794 discloses a vehicle loader mechanism 10 with limit switches 174, 196 mounted proximate cylinders 66, 108. Olson '794 teaches that limit switches limit maximum frame 16 movement in both directions. Col. 11, Ins. 52-59. Therefore, it would have been obvious to one skilled in the art to modify the vehicle loader mechanism of Uhrich to add limit switches proximate cylinders, as per the teachings of Olson, to limit maximum frame movement in both directions.

7. Claims 15 & 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uhrich et al. (US 3,703,968) in view of Poindexter (US 5,651,657). Uhrich et al. discloses a vehicle loader mechanism except for carrying a base on tracks mountable in a vehicle. Poindexter discloses a vehicle loader mechanism 10 including a base 120 carried by tracks 33, 34 mountable in a vehicle. Poindexter '657 teaches that installing a base of a vehicle loader mechanism on tracks mountable in a vehicle with insignificant modifications to the vehicle provides lifting, reorientating, and loading of overheight loads into the vehicle. Therefore, it would have been obvious to one skilled in the art to modify the vehicle loader mechanism of Uhrich et al. to allow for carrying a base on

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tracks which are mountable in a vehicle, as per the teaching of Poindexter, such that insignificant vehicle modifications are required in providing a lifting, reorientating, and loading of overheight loads into the vehicle.

Response to Arguments

Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 4,636,133 to Hess

US 4,838,753 to Gehman et al.

US 4,128,179 to Gilbert


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th., 8:00-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA



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